

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN CLARK,

1:21-cv-16721 (NLH)

Petitioner,

MEMORANDUM OPINION & ORDER

v.

EUGENE CALDWELL,

Respondent.

APPEARANCES:

John Clark
#42592
Cumberland County Jail
54 West Broad Street
Bridgeton, NJ 08302

Petitioner pro se

HILLMAN, District Judge

WHEREAS, the Court is in receipt of a letter from
Petitioner John Clark wherein he asserts the pending state
criminal charges against him are without merit, see ECF No. 9;
and

WHEREAS, Petitioner asserts the charges are part of a
targeted campaign of harassment by police officers and asks the
Court to file official misconduct charges against them and
appoint a special prosecutor, id. at 18; and

WHEREAS, "[i]t is well established that decisions regarding
the filing of criminal charges are the prerogative of the

executive branch of government, are consigned to the sound discretion of prosecutors, and under the separation of powers doctrine are not subject to judicial fiat." Gessner v. Dep't of Corr., No. 3:14-CV-111, 2014 WL 972290, at *6 (M.D. Pa. Mar. 12, 2014); and

WHEREAS, district courts have jurisdiction under 28 U.S.C. § 2241 to issue a writ of habeas corpus before a criminal judgment is entered against an individual in state court after certain requirements are met, see Moore v. De Young, 515 F.2d 437, 441-42 (3d Cir. 1975); and

WHEREAS, Petitioner may move to amend his petition to include his challenges to his criminal charges if he wants to have the Court review them; and

WHEREAS, the Court will proceed with the petition as filed if Petitioner chooses not to file a motion to amend,

THEREFORE, IT IS on this 19th day of January, 2022

ORDERED that Petitioner's requests for the filing of official misconduct charges against Respondents and to appoint a special prosecutor shall be, and hereby are, denied; and it is further

ORDERED that Petitioner may move to amend his petition to include his challenges to his criminal charges if he wants to have the Court review them. The Court will proceed with the petition as filed if Petitioner chooses not to file a motion to

amend; and it is finally

ORDERED that the Clerk shall send a copy of this Order to
Petitioner by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.